

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
FEBRUARY 5, 2019**

ITEM 6

SUBJECT

CONSIDERATION OF PROPOSED UPDATES TO THE GENERAL WASTE DISCHARGE REQUIREMENTS AND WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES OF WASTE ASSOCIATED WITH CANNABIS CULTIVATION ACTIVITIES

DISCUSSION

On June 27, 2016, Governor Brown signed Senate Bill 837¹, which among other things, codified Water Code section 13149 and authorized the State Water Board to adopt interim and long-term principles and guidelines (requirements) for cannabis cultivation as part of a state policy for water quality control. The State Water Board adopted Order WQ 2017-0023-DWQ, *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities* (Cannabis Cultivation General Order) in October 2017 to ensure, to the greatest extent possible, that discharges to waters of the State do not adversely affect the quality and beneficial uses of such waters.

On September 28, 2018, the State Water Board released a [*Notice of Opportunity for Public Comment, Staff Informational Workshop, Board Workshop, and Public Hearing to Consider Adoption of Proposed Updates to: \(1\) Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation*](#) (Cannabis Policy); and (2) Cannabis Cultivation General Order. The Cannabis Cultivation General Order implements the Cannabis Policy requirements and addresses activities related to cannabis cultivation and associated land development. The proposed updates to the Cannabis Cultivation General Order are consistent with the Cannabis Policy and include requirements related to:

- conditionally exempt indoor cultivation sites, and
- indoor waste disposal methods

The updates also include minor clean up and clarifications of the Cannabis Cultivation General Order based on feedback received from stakeholders during initial implementation efforts. The comment period concluded on November 27, 2018. The State Water Board held a workshop on the proposed updates in Sacramento on October 16, 2018, and a staff informational workshop in Fortuna on November 8, 2018. The State Water Board received verbal comments from two individuals at the State Water Board's October 2018 workshop and 25 written comment letters during the initial public comment period. In response to comments, on January 10, 2019, the State Water Board released a [*Notice of Opportunity for Public Comment Concerning Winterization Revisions to Proposed Updates to the Cannabis Policy and Staff Report*](#). The comment period closed on January 25, 2019. All comments, from the September – November 2018 and January 2019 comment periods, were considered in development of the final proposed updates to the Cannabis Policy and Cannabis Cultivation General Order.

¹ Statutes 2016, Chapter 32, Committee on Budget and Fiscal Review.

POLICY ISSUE

Should the State Water Board adopt the proposed updates to the Cannabis Cultivation General Order for discharges of waste associated with cannabis cultivation activities?

FISCAL IMPACT

None.

REGIONAL BOARD IMPACT

None.

STAFF RECOMMENDATION

Staff recommends that the State Water Board adopt the proposed updates to the Cannabis Cultivation General Order.

State Water Board action on this item will assist the Water Boards in reaching Goals 1 and 6 of the 2010 Update to Strategic Plan 2008-2012 to protect and restore water quality and enhance consistency across the Water Boards by implementing regional basin plans to address 2006-listed water bodies; addressing non-point source pollution; streamlining and making consistent cannabis related waste discharge requirements; prioritizing staff resources, minimizing administrative burdens; and conducting site inspections, education/outreach, and enforcement. In particular, approval of this item will assist in controlling non-point source pollution (activities on national forest system lands) and Action 1.3.2 (programs to protect surface waters).